

REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 1, 2, and 4-7 and the specification are amended. The claims are amended to correct informalities and to address claim rejections under 35 U.S.C. §112. The specification is amended for clarity. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. Claim Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-8 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Office Action asserts that "generation state" of claim 1 is unclear, that the temperature measured in claim 5 is unclear, and that the "control means" of claim 6 is unclear. Applicants respectfully traverse the rejection.

By this Amendment, claims 1, 5 and 6 are amended to be more particular and distinct. Applicants also submit, with regard to claim 6 that a claim is not indefinite because the specification has multiple embodiments.

Accordingly, Applicants respectfully request withdrawal of the rejection.

II. Claim Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) as allegedly unpatentable over Fujio (Japanese Patent Application Publication No. 11-214025) in view of Wheat (U.S. Patent No. 6,727,013) and rejects claims 7 and 8 under 35 U.S.C. §103(a) as allegedly unpatentable over Fujio in view of Wheat and further in view of Iwasaki (U.S. Patent No. 6,497,972). Applicants respectfully traverse the rejections.

Applicants respectfully submit that the applied references, alone or in combination, fail to disclose, teach, or render obvious a control device that controls a fuel cell system to operate intermittently by switching between a power generation state and a power generation stop state, wherein it is determined whether to stop power generation during intermittent operation as

recited by independent claim 1, and similarly recited in independent claim 6. Further, Applicants respectfully submit that the applied references, alone or in combination, fail to disclose, teach, or render obvious a control device wherein a specific component is at least one of a valve, a passage, and a humidifier arranged in a flow path for a fuel gas or an oxidizing gas of dependent claim 2.

With regard to independent claims 1 and 6, Fujio describes making the fuel cell operational when the ambient temperature meets a threshold or lower. The heat generated by operation of the fuel cell is then circulated throughout the system through the use of a water tank and a pump (see Abstract of Fujio). Further, Wheat describes the operation of a heater and a blower, separate from the fuel cell itself, to heat the system should it be needed. As it is apparent, Fujio and Wheat both describe the use of additional components *outside* of the fuel cell itself to prevent the fuel cell from freezing. Accordingly, Applicants respectfully submit the applied references fail to disclose or render obvious merely switching between a power generation state and a power stop state of a fuel cell to prevent freezing of the system.

Further with regards to independent claims 1 and 6, Fujio describes determining whether to start operation of the fuel cell to produce the heat that is to be circulated by water to prevent freezing of the fuel cell system, and thus fails to teach or render obvious "wherein it is determined whether to stop power generation based on at least a temperature of a specific component that is external to the fuel cell." Wheat and Iwasaki fail to cure this deficiency.

With regard to dependent claim 2, the Office Action relies on Wheat to cure the deficiencies of Fujio with respect to a specific component that is at least one of a valve, a passage, and humidifier arranged in a flow path for a fuel gas or an oxidizing gas. However, Applicants respectfully submit that Wheat teaches measuring the temperature of the stack, the ambient, and the water tank, none of which describe or contemplate a component arranged in a flow path for a fuel gas or an oxidizing gas. Accordingly, Wheat fails to teach the measuring of

the temperature of a specific component arranged on a flow path for fuel gas or an oxidizing gas, and thus fails to cure the deficiencies of Fujio. Iwaski also fails to cure this deficiency.

Accordingly, the applied references taken alone or in any combination fail to disclose, teach, or render obvious each and every element of claims 1, 2, and 6. Dependent claims 2-5, 7, and 8 are also patentable at least for their dependency on either of independent claims 1 or 6 as well as for the additional features they recite.

Accordingly, Applicants respectfully request withdrawal of the rejections.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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